

**UNITED STATES DISTRICT
COURT EASTERN DISTRICT
OF MISSOURI EASTERN
DIVISION**

EXPRESS SCRIPTS, INC. and)	
SUBSIDIARES,)	
)	
Plaintiff,)	
)	No. 4:21-CV-740-HEA
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Plaintiff has filed two cases involving common questions of law and fact: *Express Scripts, Inc. v. United States*, 4:21-CV-737-HEA (E.D. Mo.) and (2) the instant case, 4:21-CV-737-HEA (E.D. Mo.). On November 10, 2021, the Court granted Defendant’s Motion to Consolidate.

Rule 42(a) of the Federal Rules of Civil Procedure provides, “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” “Whether to consolidate actions under Rule 42(a) is vested in the court’s discretion,” and “the district court can consolidate actions sua sponte.” *Bendzak v. Midland Nat. Life Ins. Co.*, [240 F.R.D. 449, 450](#) (S.D. Iowa 2007) (internal citations omitted); *see also Headrick v. Glass*, No. 4:18-CV-1683-CDP, [2019 WL 2437028](#), *1 (E.D. Mo. June 11, 2019) (citing *Bendzak*).

The Court believed that consolidation would serve the interests of justice and avoid unnecessary costs and promote judicial efficiency. Pursuant to Local Rule 4.03, the Court consolidated the cases into the lowest case number.

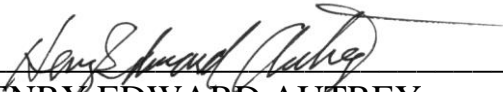
The Clerk of Court shall administratively close Case Number 4:21CV740 and all future filings shall be filed Case Number 4:21CV737.

Accordingly,

IT IS HEREBY ORDERED that a copy of this Memorandum and Order shall be docketed in Case Number 4:21-CV-737-HEA.

IT IS FURTHER ORDERED that the Clerk of Court shall administratively close Case Number 4:21CV740 and all future filings shall be filed Case Number 4:21CV737.

Dated this 15th day of March, 2023.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE